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7 *Counsel for Plaintiffs*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF ARIZONA

10
11 In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

12 **PLAINTIFFS' OMNIBUS NOTICE OF**
13 **LODGING DOCUMENTS UNDER SEAL**
14 **RELATED TO PLAINTIFFS'**
RESPONSES TO DEFENDANTS'
15 **MOTIONS TO EXCLUDE PLAINTIFFS'**
EXPERTS

16 Pursuant to LRCiv 5.6(d) and the Protective Order [Doc. 268], Plaintiffs provide
17 notice that they have lodged with the Court the documents listed on Exhibit A to this
18 Notice.

19 Pursuant to CMO No. 26 [Doc. 6799], Plaintiffs file this as an Omnibus notice
20 containing all of the confidential documents used in Plaintiffs' various responses to
21 Defendants' *Daubert* motions. For convenience of the Court and parties, Exhibit A is
22 subdivided by applicable response brief.

23 Defendants contend that the documents listed in Exhibit A are confidential and
24 should be filed under seal. As required under LRCiv 5.6(d), Plaintiffs certify that on
25 September 27, 2017, the parties met and conferred in good faith and were unable to agree
26 about whether the documents are confidential under the Protective Order and should be
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1 filed under seal.¹ Plaintiffs do not believe that the disputed documents warrant continued
2 confidential treatment as proprietary or sensitive trade secret information given the
3 advanced posture of the case now reaching the dispositive motion stage.

4 RESPECTFULLY SUBMITTED this 27th day of September, 2017.

5 GALLAGHER & KENNEDY, P.A.

6 By: /s/ Mark S. O'Connor

7 Mark S. O'Connor
8 2575 East Camelback Road
9 Phoenix, Arizona 85016-9225

10 LOPEZ McHUGH LLP

11 Ramon Rossi Lopez (CA Bar No. 86361)
12 (admitted *pro hac vice*)
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14 Newport Beach, California 92660

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on this 27th day of September, 2017, I electronically
17 transmitted the attached document to the Clerk's Office using the CM/ECF System for
18 filing and transmittal of a Notice of Electronic Filing.

19 /s/ Gay Mennuti

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27 ¹ Given the press of time and other filings due for both parties, the parties agreed to
28 further revisit the documents in dispute and, if agreement can be reached as to certain
documents or redactions of certain documents, amend this Notice accordingly.

EXHIBIT A

1. Plaintiffs' Response to Defendants' Motion to Exclude the Opinions of Rebecca Betensky, Ph.D. [**Doc. 7809**]

Sealed Response and Exhibits:

Plaintiffs' Response To Defendants' Motion To Exclude The Opinions Of Rebecca Betensky, Ph.D.

Exhibit 1 Betensky Report 1-27-2017

Exhibit 2 Betensky DFMEA Supplement 3-3-2017

Exhibit 4 BPVEFILTER-01-01824432

Exhibit 5 BPV-DEP-00004804

Exhibit 6 BPV-TRIAL-EXHIBIT-0293

Exhibit 13 Kessler Report 9-26-2016

Exhibit 14 Eisenberg Report (Barazza 2-10-2017)

Exhibit 15 Hertz Report 2-3-2017

Exhibit 16 Kessler Schedule 28

Exhibit 17 BPVE-01-00511127

Exhibit 19 BPVE-01-00509492

Exhibit 21 BPV-17-01-00101588

Exhibit 28 Shifrin Deposition 9-8-16 Excerpts

Exhibit 31 Betensky Rebuttal to Thisted

Exhibit 44 BPV-17-01-00006797

Exhibit 45 BPV-17-01-00034448

Exhibit 48 McMeeking Bard IVC Filter Design Evolution Assessment 2-3-2017

Exhibit 49 Ritchie March 2, 2017 Report

Exhibit 50 McMeeking Rebuttal Report 5-11-17

Exhibit 53 BPV-17-01-00188520

Exhibit 54 BPVE-01-00002092

Exhibit 55 BPVE-01-00408669

- 1 Exhibit 57 BPVE-01-01054793
- 2 Exhibit 58 BPVE-01-01054793
- 3 Exhibit 59 BPVE-01-01054793
- 4 2. Plaintiffs' Response to Defendants' Motion to Exclude the Expert Testimony of
5 Mark J. Eisenberg M.D. [**Doc. 7810**]
- 6 Sealed Exhibit:
- 7 Exhibit 4 DeFord Deposition Excerpts 6-2-16
- 8 3 Plaintiffs' Response to Defendants Motion to Exclude the Opinions of David
9 Garcia, M.D. and Michael Streiff, M.D. [**Doc. 7808**]
- 10 Sealed Exhibit:
- 11 Exhibit 4 DeCant Deposition Excerpts 5-24-16
- 12 4. Plaintiffs' Response in Opposition to Defendants' Motion to Exclude the Opinions
13 of Darren R. Hurst, M.D. [**Doc. 7811**]
- 14 Sealed Exhibits:
- 15 Exhibit 5 DeFord Deposition Excerpts 6-2-16
- 16 Exhibit 6 Ganser Deposition Excerpts 10-11-16
- 17 5. Plaintiffs' Response to Defendants' Motion to Exclude the Opinions of Thomas
18 Kinney, M.D., Anne Christine Roberts, M.D., and Sanjeeva Kalva, M.D.
19 [**Doc. 7812**]
- 20 Sealed Exhibits:
- 21 Exhibit 4 Tillman Dep. 8-4-16
- 22 Exhibit 6 Ganser Deposition Excerpts 10-11-16
- 23 Exhibit 8 Brauer Deposition Excerpts 8-2-17
- 24 6. Plaintiffs' Response to Defendants' Motion to Exclude the Opinions of Robert M.
25 McMeeking, Ph.D. [**Doc. 7806**]
- 26 Sealed Response and Exhibits:
- 27 Plaintiffs' Response to Bard's Motion to Exclude the Opinions of Robert M.
28 McMeeking, Ph.D.
- Exhibit 6 McMeeking Report 4-7-17
- Exhibit 22 BPVE-01-01081046

1 7. Plaintiffs' Response to Defendants' Motion to Exclude the Opinions of Derek
2 Muehrcke, M.D. [Doc. 7813]

3 Sealed Exhibits:

4 Exhibit 1 ACR SIR SPR Practice Parameter

5 Exhibit 5 BPVE-01-00720835

6 Exhibit 6 Wong Deposition Excerpts 10-18-16

7 Exhibit 7 G2 and G2 X Fracture Analysis Ex. 546 Wong Deposition

8 8. Plaintiff's Response in Opposition to Defendants' Motion to Exclude the Opinions
9 of Suzanne Parisian, M.D. [Doc. 7814]

10 Sealed Exhibit:

11 Exhibit 4 BPVEFILTER-01-01780607
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